

reference is directed to a virtual on-demand digital information delivery system and method. The system is used to deliver electronic content to users. The *Payton* system employs a predictive filter 52 as pointed to by the Examiner in Col. 6, lines 1-19. However, the predictive filter and the way the system acts is significantly different than that recited in claim 15. The system in the *Payton* reference uses the predictive filter to form a list which orders content from a central service provider. In Col. 5, line the collaborative filter 42 is described. The collaborative filter with the data from the predictive filter chooses content at the central location. (Col. 5, line 14). This data is stored in a subscriber database at a central location. When an item is on the user's list, the item is saved in local storage. As stated in Col. 6, line 11, "As a requested item 36 is being received, it is downloaded to the local storage 56, while a decryption and decompression processor 60 decrypts, decompresses and converts the item from the digital format into a standard video or audio signal and sends the signal to the interface control which routes the signal to the subscriber's playback device 32." This is substantially different than the filter and user appliance described in claim 15. Although the appliance of the present invention receives the electronic content, only the content that corresponds to the filter terms and the marketing information broadcast therewith is downloaded to the user device. *Payton* does not teach or suggest broadcasting both the marketing information and the electronic content to a user. The list is formed at the central location and items from the list are downloaded. A system formed according to claim 15 does not require user information to be transmitted to a central location. Thus, the user criteria is not known by the central database. In addition, claim 15 has been amended to include that full rights are not provided to the user. Thus, full rights may then be purchased at a later time if desired. One advantage to this is that only a decryption key may need to be purchased. This reduces bandwidth used in an on-demand type system since all the content is on the user's device but only partial rights are provided until full rights are purchased.

Because the *Payton* reference does not teach filtering the plurality of electronic content with predetermined filter terms and accepting the electronic content as a function of the filter terms and the electronic content, Applicants respectfully request the Examiner for reconsideration of this rejection.

Claims 16-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Downs* (6,226,618). Applicants respectfully traverse.

Claim 16 is directed to a broadcast center for electronic content comprising the electronic content store subsystem that receives electronic content from a content provider, a content store for processing buy transactions from a requesting user, and linking marketing information with the electronic content. A server is coupled to the content store for receiving the electronic content and the marketing information. A transmitter is coupled to the server for broadcasting the electronic content and the marketing information to a plurality of users with limited rights. The content store is coupled to the plurality of users so that when the requesting user requests a purchase of greater rights than the limited rights, the content store processes the buy transaction and initiates further rights in the electronic content for the requesting user without rebroadcasting said electronic content. The underlined text portions clarify that the entire content is broadcast but only limited rights are initially granted. System resources are conserved by not having to broadcast the electronic content "on-demand" - only a key needs to be transmitted from the store.

The *Downs* reference is directed to an electronic content delivery system. The electronic delivery system allows purchasers to purchase data using decryption keys. The Examiner states that, "*Downs et al.* disclose electronic content store subsystem receiving electronic content from a content provider, a content store for processing buy transactions from a user and linking marketing information with the said electronic content." The Examiner points to several places including Fig. 1; Col. 8 lines 58-65, Col. 9 lines 62-67, Col. 10 lines 1, 6-10, 26-29, and the table in Col. 18 steps 130-132. Although these sections refer to metadata, Applicants respectfully submit that metadata is not marketing information as taught in the present application. The Applicants incorporate herein by reference their arguments regarding metadata from the previous response.

The Examiner also points to Col. 19, the table steps 138-148, in which the buy transaction initiates further rights in the electronic content. The amendments to claim 16 more particularly recite that the electronic content has limited rights and that greater rights are provided by the purchase through the store. That is, the entire electronic content is transmitted and stored on the user system so that only a decryption key needs to be provided. After reviewing the table, it appears the *Downs* reference only provides some type of promotional items to the user. Thereafter, the entire content must be downloaded as set forth in step 40. It is not until after the user purchases the entire rights that the entire electronic content is downloaded. Applicants therefore believe that because the linking of marketing

information with the electronic content is not taught or suggested in the *Downs* reference, and that providing the entire electronic content to the user with limited rights and having the user purchase the full rights is not taught or suggested in the *Downs* reference, Applicants respectfully request the Examiner for reconsideration of this rejection.

Claims 17 and 18 are further dependent on claim 16 and therefore Applicants respectfully request the Examiner to reconsider the rejection of these claims as well.

Claims 1, 3-5, 7, 11, 13, 14 and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Downs* in view of *Payton*. Applicants respectfully traverse.

Claim 1 is directed to a method for distributing electronic content that includes distributing the electronic content having predetermined user rights associated therewith. The claim has been amended to recite predetermined limited user rights less than full user rights and the step of linking and distributing marketing information with each of said plurality of electronic content selections. The electronic content is received and filtered with predetermined filter terms. One or more of the plurality of electronic content is accepted to form a subset as a function of the predetermined filter terms and the marketing information. Then, the selected content subset is stored. As mentioned above, the *Downs* reference includes a predictive filter that transmits information to a subscriber database. The subscriber database generates the list 44 used by the filter of desired items to be stored.

Claim 1 describes receiving the plurality of electronic content and marketing information. The electronic content is not accepted until the marketing information meets predetermined filter terms. Once accepted, the content is stored for user review. Only limited rights are provided to the items so that greater rights may be purchased later by only having to purchase a key and not having to download the content.

As the Examiner states, the *Downs* reference does not “expressly disclose filtering said plurality of electronic content with predetermined filter terms, accepting one or more of said plurality of electronic content to form a selected content subset as a function of said predetermined filter terms or storing the selected content subset for review.” As mentioned above, the *Payton* reference fails to disclose accepting the plurality of content based upon the filter terms and marketing information broadcast with the electronic content. Therefore, even if the *Downs* and the *Payton* references are combined, the recitations of claim 1 cannot be found.

Claims 3-5, 7, 11, 13, and 14 recite further limitations to claim 1 and are therefore believed to be allowable for the same reasons set forth above and further due to the additional limitations recited therein.

Claim 19 is directed to a user appliance for a system. The user appliance performs a similar function to that described above with respect to claim 1. Namely, the user appliance includes a filter for filtering the plurality of electronic content with predetermined filter terms and accepting one or more of the plurality of electronic content to form a selected content subset as a function of the filter terms. The claim has been amended to recite that the electronic content is stored in response to the marketing information. Also the rights provided are not the entire rights but limited rights and that greater rights may be obtained with a decryption key. This addition has been made for clarity purposes. Thus, for the same reasons set forth with respect to claim 1, claims 19 and 20 are also believed to be allowable.

Claims 2, 6, 8, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Downs* and *Payton* in further view of *Ardissono* (An Agent Architecture for Personalized Web Stores). Because claims 2, 6, 8, and 10 are further limitations of claim 1, Applicants respectfully request the Examiner for reconsideration of this rejection. The *Ardissono* reference fails to teach or for that matter, suggest, the use of filtering to determine what to store from a plurality of electronic content in response to predetermined filter terms. Thus, the addition of *Ardissono* fails to overcome the deficiencies of the *Downs* and *Payton* references.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Downs*, *Payton*, and *Ardissono* in further view of *Loeb* (6,360,209). Applicants respectfully traverse.

Claim 9 includes the step of providing an account number in contacting a merchant bank which further modifies purchasing one or more of the selected content subset as defined in claim 2. However, claims 9 and 2 are ultimately dependent on claim 1. Claim 1 is believed to be allowable because the combination of the *Downs* reference and the *Payton* reference as described above does not teach what the Examiner suggests. *Loeb* fails to overcome the deficiencies of the other references. Therefore, because claim 9 is further dependent on claim 1, claim 9 is believed to be allowable for the same reasons set forth above.

Claim 12 stands rejected over *Downs* in view of *Payton* in further view of *Bezos* (WO 00/62223). Applicants respectfully traverse.

Claim 12 is dependent on claim 1. Although the *Bezos* reference describes prompting the user for filter terms, the *Bezos* reference does not teach or suggest the deficiencies of the *Downs* and *Payton* references described above. Therefore, because claim 12 contains further limitations of claim 1, claim 12 is also believed to be allowable for the same reasons set forth above.

The amendments made to the claims herein are believed to more explicitly clarify inherent aspects of the recitations of the original claims and are not narrowing amendments.

In light of the above amendment and remarks, Applicants submit that all rejections are now overcome. Applicants have added no new material to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In The Claims:**

1. (Twice Amended) A method for distributing electronic content comprising the steps of:

distributing a plurality of electronic content having predetermined user rights less than full user rights associated therewith;

linking and distributing marketing information with each of said plurality of electronic content selections;

receiving the plurality of electronic content and associated marketing information;

filtering said plurality of electronic content with predetermined filter terms;

accepting one or more of said plurality of electronic content to form a selected content subset as a function of said marketing information matching said predetermined filter terms; and

storing the selected content subset for user review.

15. (Twice Amended) A system for distributing electronic content packages comprising:

a content provider having a plurality of electronic content;

a broadcast center coupled to the content provider for receiving said plurality of electronic content and transmitting said plurality of electronic content with marketing information, said plurality of electronic content having predetermined limited rights less than full rights associated therewith;

a user appliance having a filter therein, said appliance coupled to said broadcast center for receiving said plurality of electronic content with marketing information, said filter filtering the plurality of electronic content with predetermined filter terms and accepting one or more of said plurality of electronic content to form a selected content subset as a function of said filter terms and marketing information.

16. (Twice Amended) A broadcast center for electronic content comprising:

an electronic content store subsystem receiving electronic content from a content provider;

a content store for processing buy transactions from a requesting user and linking marketing information with said electronic content;

a server coupled to said content store for receiving said electronic content and said marketing information;

a transmitter coupled to said server for broadcasting said electronic content and said marketing information to a plurality of users with limited rights,

said content store coupled to said plurality of users so that when [said] the requesting user requests a purchase of greater rights than the limited rights, said content store processes the buy transaction and initiates further rights in said electronic content for [said] the requesting user without rebroadcasting said electronic content.

19. (Twice Amended) A user appliance for a system comprising[:];

a receiver receiving a plurality of electronic content and associated marketing information, with limited rights in the electronic content;

a filter coupled to the receiver;

a storage device coupled to said filter,

said filter filtering the plurality of electronic content with predetermined filter terms and accepting one or more of said plurality of electronic content and its associated limited rights to form a selected content subset as a function of said filter terms and the marketing information, and after accepting, storing said selected content subset on said local storage device, said associated limited rights capable of being converted to greater rights upon receiving a decryption key without receiving additional electronic content.

21. (Amended) A method for distributing electronic content to users in a system comprising:

simultaneously broadcasting to each user appliance of the system [distributing] a plurality of electronic content samples having predetermined user rights less than full user rights associated therewith;

distributing marketing information with each of said plurality of electronic content  
[selections] samples;

receiving the plurality of electronic content samples and associated marketing  
information;

filtering the plurality of electronic content samples with predetermined filter terms;  
and

accepting one of said plurality of electronic content samples to form a selected sample  
as a function of the marketing information matching said filter terms; and

storing the selected sample for user review.